WP(C) 2698/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr AM Mazumdar, Senior Advocate assisted by Mr S. Islam, Advocate for the petitioner and Mr P Roy, learned State counsel for the official respondents.

Having regard to the issue raised and the relief prayed for and as agreed to by the learned counsel for the parties, this petition is being disposed of at the motion stage.

The petitioner's version in short is that the Govt.of Assam, Food & Civil Supplies Department by communication No.FSA.42/2003./72 dated 8.6.2005 conveyed to all the Deputy Commissioners and Sub Divisional Officers(Civil) of the State the decision of the Government to allow the licensing authority under the Assam Public Distribution of Articles Orders ,1982(for short hereinafter as 'Order') to grant fair price shop dealer liecence as per the guidelines of the Government of India. It was mentioned therein that no prior approval of the State government on the issue would therefore be necessary. The petitioner being aware of the said decision and in dire need of some means of livelihood submitted an application before the Deputy Commissioner, Barpeta for being favoured with a fair price shop dealer licence . His grievance is that though

,his candidature is backed by the public of the locality and he is eligible for such licence, the aforementioned state authority is lingering over the matter without any justification . As his repeated appeals to the said authority have failed to evoke any response, he is before this Court.

The learned Senior counsel while reiterating the above has submitted this is a fit case where a writ of mandamus ought to be issued directing the Deputy Commissioner, Barpeta to issue fair price shop dealer licence in favour of the petitioner, more so, in view of the communication dated 8.6.2005.

Mr Roy has submitted that if the petitioner is eligible in terms of the Orders as well as the aforementioned communication , there is no reason as to why he should be denied the relief as prayed for. He however, submits that as a scrutiny with regards to the eligibility of the petitioner would be required, no writ of mandamus should be issued.

Upon hearing the learned counsel for the parties and on a consideration of the pleaded facts and the documents annexed to the petition, more particularly, the letter dated 8.6.12005 , it is ordered that the petitioner would submit a fresh representation before the Deputy Commissioner, Barpeta registering his prayer for being issued fair price shop dealer licence and if it is done, the said authority would cause necessary steps to take an appropriate decision thereon forthwith. As the petitioner is waiting for long, the exercise should be completed
within a period of two(2) weeks from the date of submission of such representation.

The petition stands closed in the above terms.
No costs.